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Michael Dean Barnes and Barnes  
Custom Farming***

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RONALD WILEY, an individual,

Plaintiff,

Case No: 2:18-cv-01876-JCM-GWF

vs.

MICHAEL DEAN BARNES, an individual; and  
BARNES CUSTOM FARMING, a business; and  
DOES I through X and ROES I-V, inclusive,

Defendants.

**STIPULATION AND ORDER REGARDING RULE 35 EXAMINATION**

COME NOW, the parties above named, by and through counsel, hereby stipulate to the following Rule 35 Independent Medical Examination.

1. The Independent Medical Examination of Plaintiff, RONALD WILEY, is currently scheduled to take place on January 29, 2019, beginning at 3:45 p.m., at the office of Ryan J. Grabow, M.D., at Grabow Hand to Shoulder Center, 3175 St. Rose Parkway, Suite 330, Henderson, Nevada 89052. Plaintiff is required to arrive at 3:15 p.m. Should the examination be continued for any valid reason, any subsequent date must be coordinated with Plaintiff's counsel.

2. Neither counsel nor anyone from counsel's office (plaintiff or defense) may attend the examination.

3. All paperwork to be completed by Plaintiff shall be provided to Plaintiff's counsel at least ten (10) days prior to the examination for Plaintiff's counsel to review and for Plaintiff to

1 complete. Plaintiff will bring the completed paperwork to the examination. Plaintiff will also be  
2 asked to complete an injury and health history questionnaire on an electronic device when he  
3 arrives at Grabow Hand to Shoulder Center. The questions that will be asked on this will also be  
4 provided to Plaintiff's counsel at least ten (10) days prior to the examination for Plaintiff's counsel  
5 to review.

6 4. Plaintiff shall not answer any questions which pertain to issues of liability.  
7 However, this does not limit the Rule 35 Examiner from inquiring into the mechanism of injury.

8 5. The physical examination shall be limited to the parts of the body which bear a  
9 reasonable relationship to the body parts Plaintiff has placed in controversy.

10 6. The Rule 35 Examiner must comply with the applicable standard of care when  
11 evaluating Plaintiff.

12 7. No recording devices of any kind are allowed in the examination room. However,  
13 should Plaintiff elect to retain a certified court reporter to record the examination, Plaintiff must  
14 notify Defendant in writing that such a record is being made of the examination, and provide  
15 Defendant with a copy of the transcript within thirty (30) days of receipt of the transcript.

16 8. No other persons shall be present during the examination other than the Plaintiff,  
17 the designated physician and members of his staff.

18 9. Defendant agrees to pay 100% billable charges to the examiner. However, if the  
19 examination is cancelled for any reason stemming from Plaintiff or Plaintiff's counsel, other than  
20 resolution of the subject litigation, cancellation by the doctor or at Defendant's request, then  
21 Defendant has the right to seek untimely cancellation fees from Plaintiff. Plaintiff will pay a late  
22 fee if, upon application to the Court, the Court so orders Plaintiff to pay such a late fee. A late  
23 cancellation is one that occurs with less than five days notice (exclusive of weekends and  
24 holidays). In addition, Defendant would provide Plaintiff with seven days notice of any  
25 cancellation, and Defendant would be responsible for any cancellation with the doctor's office  
26 given timely notice, which is two days prior to examination date.

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28 ...

10. The Rule 35 examiner will be provided a copy of this Stipulation prior to the Examination.

DATED: Jan. 14, 2019

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**SCHUETZE & McGAHA, P.C.**

**DENNETT WINSPEAR, LLP**

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***Custom Farming***

**ORDER**

IT IS SO ORDERED.

DATED: 1/15/2019

  
UNITED STATES MAGISTRATE JUDGE